



Decision Memo
Terry and Susan Price Road Permit
USDA Forest Service
Ozark-St. Francis National Forests
Big Piney Ranger District

Decision

I have decided to authorize Terry and Susan Price to use and maintain an existing non-forest system road to provide for legal access to private property near Limestone, Arkansas. The road will provide ingress and egress to a single private tract of land that contains a cabin. The road access has been the traditional access to this tract of private property.

This project is located in central Newton County, Arkansas in Section 13, Township 13 North, Range 22 West. The primary use area will be 2,170 feet in length (0.41 miles) x 20 feet wide, except at locations where it is necessary to maintain surface drainage structures to the width necessary to promote proper drainage. The total use area is approximately one acre of National Forest System (NFS) lands.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions for this Proposed Action is identified in agency procedures as 36 CFR 220.6(e)(3) Approval, modification, or continuation of minor special uses of NFS lands that require less than 5 contiguous acres of land. This categorical exclusion (CE) is appropriate in this situation because the continuing use of a road for access to private property is considered minor, and affects only one acre of NFS lands.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – Continued land use would have no impact to existing habitat and listed species. A biological review for the project was completed in September 2019 with the following findings: no effects on gray bats, Indiana bat, Ozark big eared bat, northern long eared bat, and Missouri bladder pod. In addition, this activity may impact individuals on the Regional Forester's Sensitive Species (RFSS) list, but would not likely cause a trend to federal listing or a loss of viability. Based on these findings, concurrence with US Fish and Wildlife Service is not required. A copy of the review is located in the special use permit file at the Big Piney Ranger District in Hector, AR.
- Flood plains, wetlands, or municipal watersheds – None present.

- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – None present.
- Inventoried roadless areas or potential wilderness areas – None present.
- Research natural areas – None present.
- American Indians and Alaska Native religious or cultural sites – A heritage resources review for the road use was completed on June 27, 2019. The investigation documented one new archeological site within the Area of Potential Effect (APE): 3NW1487. The Arkansas Historic Preservation Program (AHPP) concurs that Site 3NW1487 is unevaluated for inclusion in the National Register of Historic Places. The project work will avoid Site 3NW1487. Therefore, the AHPP concurs with a finding of “no historic properties affected” pursuant to 36 CFR 800.4(d)(1) for the Proposed Action. The report is on file in the special use permit file in Hector, AR. Any new discoveries during project implementation would be handled on a case by case basis. The project work would be stopped, the appropriate Forest Service Representative would be contacted and an evaluation would be made by the appropriate specialist.

Findings Required by Other Laws and Regulations

This decision is consistent with the Ozark-St. Francis National Forests Revised Land and Resources Management Plan of 2005.

Administrative Review (Appeal) Opportunities

Decisions that are categorically excluded from documentation in an EA or EIS are not subject to an administrative review process (pre-decisional objection process) (Agriculture Act of 2014, Subtitle A, Sec. 8006).

Implementation Date

This project may be implemented as soon as the amendment to the special use permit is finalized.



Contact

For further information concerning this decision, contact Mike Mulford, NEPA Coordinator, at the Jasper Office, Big Piney Ranger District at 870-446-2228 ext. 5136; email Michael.mulford@usda.gov.

LORI D. WOOD
Forest Supervisor

10/4/2019
Date

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